

- Record on appeal.      333. *Appeal: procedure upon.* In case of an appeal as aforesaid, a copy of said report, in so far as it affects the property of the appellant, as the same was approved by the mayor and board of commissioners, a copy of the objections of the appellant thereto and of said notice, duly certified by the secretary-treasurer, shall constitute the record on appeal; and when filed in the office of the clerk of the Superior Court of said county, the same shall be docketed on the civil issue docket in the name of the person taking such appeal against the city of Asheville as "an appeal from an assessment," and the cause shall then be deemed to be at issue without any further plea on the part of said city, but said city shall have right to file a further answer or defense thereto, if it be so advised, and said cause shall stand for trial at the next term of court, beginning more than ten days after the docketing of said appeal: *Provided*, that if said appeal is not docketed and said bond is not filed by the appellant within ten days after the confirmation of said report, all right to prosecute such appeal shall be thereby forfeited.
- Docket entry.
- Right of city to file answer.
- Trial term.
- Proviso: time for taking appeal.
- Effect of decision on appeal.      334. *Effect of court decision.* Upon the trial of the issues arising on such appeal, if all the issues be found in favor of the appellant, the lien for said assessment shall be discharged. If, however, the issues or any of them be found in favor of the city of Asheville to any amount, and if it be thereby ascertained that the appellant is due to said city any amount by virtue of the matters therein referred to, or that said land is subject to a lien for said assessments or any part thereof, then the amount so found in favor of the city of Asheville, with interest thereon, together with costs thereon accrued, which costs shall be assessed as costs in other civil actions, shall be and continue a lien against the property upon which the original assessment was placed from the date of the approval of said report by the said board of commissioners and shall be collected by the mayor-commissioner in such manner as the other assessments herein provided for are collected.
- Execution to issue for unpaid assessments.      335. *Failure to pay assessments execution issued.* The adoption and approval of said report of the city engineer by said mayor and board of commissioners shall complete the said liens for the amount therein stated against each of the separate pieces of real estate therein described, and the same shall become due and payable as aforesaid; and in case of a failure to pay either of said assessments or any installment thereof within thirty days after its maturity, then the whole thereof shall become immediately due and payable, and an execution shall be issued by the said secretary-treasurer directed to the mayor-commissioner of said city, who shall advertise the land upon which the said assessments so in default have been made as aforesaid, in the same manner as is required by law for the sale of land for taxes under the provisions of the charter of said city.
- Advertisement for sale.